

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Richard B. Lucientes,

Civil No. 09-760 (RHK/AJB)

Petitioner,

ORDER

v.

Warden Dwight L. Fondren,

Respondent.

This matter is before the Court on the August 28, 2009 Report and Recommendation of Magistrate Judge Arthur J. Boylan. No objections have been filed to the Report and Recommendation. Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 8) is **ADOPTED**; and
2. The Petition under 28 U.S.C. § 2241 for Writ of Habeas Corpus (Doc. No. 1) is

DISMISSED WITH PREJUDICE.

Dated: September 23, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge